

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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STATES OF NEW YORK, CALIFORNIA,  
CONNECTICUT, MARYLAND, NEW JERSEY,  
OREGON, RHODE ISLAND, VERMONT, and  
WASHINGTON; COMMONWEALTH OF  
MASSACHUSETTS; and the DISTRICT OF  
COLUMBIA,

Plaintiffs,

v.

**Case No. 1:18-cv-1030 (JPO)**

E. SCOTT PRUITT, as Administrator of the United  
States Environmental Protection Agency; UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY; RYAN A. FISHER, as Acting Assistant  
Secretary of the Army for Civil Works; and  
UNITED STATES ARMY CORPS OF  
ENGINEERS,

Defendants.

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**STATES' NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that upon the States' Memorandum of Law in Support of Their Motion for Summary Judgment, dated April 30, 2018; States' Local Rule 56.1 Statement of Material Facts, dated April 30, 2018; Declaration of Philip Bein, dated April 30, 2018, and exhibits to that declaration; Declaration of Jonathan Bishop, dated March 30, 2018; Declaration of Diane Dow, dated April 3, 2018; Declaration of Jeffrey L. Hoffman, dated April 3, 2018; Declaration of Hamid Karimi, dated April 5, 2018; Declaration of Lealdon Langley, dated April 6, 2018; Declaration of Vincent J. Mazzei, Jr., dated April 3, 2018; Declaration of Steve Mrazik, dated April 5, 2018; Declaration of William Nechamen, dated March 22, 2018; Declaration of Patricia Riexinger, dated March 27, 2018; and upon the pleadings and proceedings previously had herein; Plaintiffs, the States of New York, California, Connecticut,

Maryland, New Jersey, Oregon, Rhode Island, Vermont, and Washington, the Commonwealth of Massachusetts, and the District of Columbia (States) hereby move before the Honorable J. Paul Oetken, United States District Judge, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the ground that that there is no genuine dispute as to any material fact and the States are entitled to judgment as a matter of law. This motion seeks an order: (i) granting the States summary judgment, (ii) annulling and vacating the rule entitled *Definition of “Waters of the United States”*—*Addition of an Applicability Date to 2015 Clean Water Rule*, 83 Fed. Reg. 5200 (Feb. 6, 2018) (Suspension Rule), (iii) declaring the Suspension Rule illegal, and (iii) providing such other or further relief that the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that the States’ respectfully request that the Court hold oral argument on the motion as soon as they may be heard, in Courtroom 706 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007;

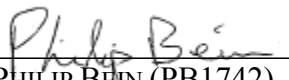
**PLEASE TAKE FURTHER NOTICE** that opposition papers must be served by ECF by May 15, 2018.

Dated: May 1, 2018  
Albany, New York

Respectfully submitted,

FOR THE STATE OF NEW YORK

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\* Not yet admitted to the Bar of this Court